

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GENEVA HENDERSON *et al.*,

Plaintiffs,

v.

EMORY UNIVERSITY *et al.*,

Defendants.

Civil Action No. 1:16-cv-02920-CAP

**PLAINTIFFS' MOTION TO FILE UNDER SEAL
AND INCORPORATED MEMORANDUM IN SUPPORT**

Plaintiffs provisionally file under seal the below-listed documents in accordance with the Court's Protective Order in this case (Doc. No. 98), and pursuant to the Local Rules for the Northern District of Georgia, App. H, at A20:

(1) Plaintiffs' unredacted Memorandum in Support of Motion to Exclude Testimony of Conrad Ciccotello; (2) the expert report of Conrad Ciccotello; and (3) the unredacted transcript of the deposition of Conrad Ciccotello. Plaintiffs also respectfully request that the Court unseal these materials.

In support of this Motion, Plaintiffs state that they are filing Ciccotello's report and redacted deposition transcript under seal because these documents were designated as confidential by Defendants. Plaintiffs further state that they are filing their unredacted supporting memorandum under seal because it contains quotations from Ciccotello's report.

With respect to Ciccotello's report, Plaintiffs served objections to Defendants' designation of that report as confidential on September 19, 2019. While Defendants on October 9, 2019 indicated that they were "continuing to evaluate" Plaintiffs objections, under the Protective Order it is "the obligation of the party designating the information as CONFIDENTIAL to file an appropriate motion with ten (10) business days after the conclusion of [the] meet-and-confer process." Doc. 98. Because Defendants failed to file the motion required by this Court's Protective Order, Defendants' confidentiality designations are now waived and Ciccotello's report need not be sealed.

WHEREFORE, Plaintiffs respectfully request that the Court unseal the provisionally sealed documents listed above.

Dated: February 27, 2020

/s/ Andrew D. Schlichter

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CERTIFICATE OF COMPLIANCE

Under the Civil Local Rules of Practice for the United States District Court for the Northern District of Georgia, this is to certify that the foregoing document complies with the font and point selections approved by the Court in Local Rule 5.1.C. The foregoing was prepared on computer using Times New Roman font (14 point).

/s/ Andrew D. Schlichter

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2020, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the attorneys of record.

/s/ Andrew D. Schlichter

Attorney for Plaintiffs